

Notice of Allowability

Application No.

09/679,119

Examiner

Jonathan Ouellette

Applicant(s)

HOFFMAN, ROGER P.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/22/2007.
2. ☒ The allowed claim(s) is/are 1,3-14,16-46,48-51,58,60-71 and 80-86.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070729</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with the Applicant's representative, Philip Weiss, on 7/29/2007.
3. The application has been amended as follows:
4. Claim 1, line 2, replace "and other metals, petroleum and energy," with ", or other metals,".
5. Claim 17, line 3, replace "and other metals, petroleum and energy," with ", or other metals,".
6. Claim 21, line 4, replace "and other metals, petroleum and energy," with ", or other metals,".
7. Claim 30, line 3, replace "and other metals, petroleum and energy," with ", or other metals,".
8. Claim 33, line 4, replace "and other metals, petroleum and energy," with ", or other metals,".
9. Claim 49, line 5, replace "and other metals, petroleum and energy," with ", or other metals,".

Response to Amendment

10. Claims 2, 15, 47, 52-57, 59, and 72-79 have been cancelled, and Claims 80-86 have been added; therefore, Claims 1, 3-14, 16-46, 48-51, 58, 60-71, and 80-86 are currently pending in application 09/679,119.

Claim Rejections - 35 USC § 103

11. The rejection of Claims 1, 3-14, 16-46, 48-51, 58, and 60-71 under 35 U.S.C. 102(b) as being anticipated by Hoffman (Hoffman, Roger, "Small tonnage increases examined by medium mill for cost-effectiveness." Pulp & Paper, September 1980 – Applicant's own Prior Art) is withdrawn due to Applicant's amendments.

Allowable Subject Matter

12. **Claims 1, 3-14, 16-46, 48-51, 58, 60-71, and 80-86 are allowed.**

13. The following is an examiner's statement of reasons for allowance:

14. As per **independent Claims 1, 17, 21, 30, 33, 49, 60, 61**, the prior art does not teach or suggest a method/system business method to include: controlling the operating speed of a *continuous process manufacturing facility consisting of paper, steel or other metals*, comprising the steps of: determining a current operating speed of said continuous process manufacturing facility; determining a desired operating speed, the desired operating speed dependent on at least one economic variable that varies depending on the operating speed; comparing said current operating speed to said desired operating speed; adjusting directly by control of the machine drive said current operating speed positive or negative, in response to said determination.

15. As per **independent Claims 17, 30, 33, and 49**, the prior art does not teach or suggest a method/system business method to include: controlling the operating speed of a *continuous process manufacturing facility consisting of paper, steel or other metals*, comprising the

steps of: determining a current operating speed of said continuous process manufacturing facility; determining a desired operating speed, the desired operating speed dependent on at least one economic variable that varies depending on the operating speed; comparing said current operating speed to said desired operating speed; adjusting said current operating speed, in response to said determination.

16. As per **independent Claims 60 and 61**, the prior art does not teach or suggest a method/system business method to include: controlling the operating speed of a papermaking facility (*continuous process manufacturing facility*), comprising the steps of: determining a current operating speed of said continuous process manufacturing facility; determining a desired operating speed, the desired operating speed dependent on at least one economic variable that varies depending on the operating speed; comparing said current operating speed to said desired operating speed; adjusting drive said current operating speed positive or negative, in response to said comparison.

17. **Hogge (US 5,280,425)** discloses a method of [apparatus for, computer usable medium for] controlling the operating speed of a manufacturing facility (Fig.1; Fig.3; C2-C4, operating speed synonymous with facility production plan/fulfillment) comprising the steps of: determining a current operating speed of said manufacturing facility_(C2-C5, default production, maximum production, or zero); determining a desired operating speed, the desired operating speed dependent on at least one economic variable that varies depending on the operating speed (C2-C5, Complete model for optimized production, based on machine parameters and desired cost ratio); comparing said current operating speed to said desired operating speed; adjusting said current operating speed in response to said determination

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(C5-C7, displaying/implementing solution production settings – slow down by implementing partial lots for example, to reduce inventory or over producing; C2-C5, speed up by maximizing production to meet customer demand).

18. However, Hogge fails to disclose a method/system for a method/system business method to include: controlling the operating speed of a continuous process manufacturing facility consisting of paper, steel or other metals, and/or adjusting directly by control of the machine drive said current operating speed positive or negative, in response to said determination, as claimed by the independent claims.

19. The remaining **dependent Claims 3-14, 16, 18-20, 22-29, 31, 32, 34-46, 48, 50, 51, 58, and 62-71** are considered allowable, as they are dependent and based off of an allowable independent claim.

20. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.


22. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization

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where this application or proceeding is assigned (571) 273-8300 for all official communications.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

August 2, 2007



JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600